

STATEMENT IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

1. Statement of Clear Error in Rejection

The Final Office Action rejects claims 35-49 under 35 U.S.C. § 102(e) as allegedly anticipated by *Cragun et al.* (U.S. Patent 5,804,803), hereinafter *Cragun*. Further, claims 18 and 31-34 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Cragun* in view of *Nerlikar* (U.S. Patent 5,629,981), hereinafter *Nerlikar*.

The rejections are in error for at least the following reasons:

Independent claim 35: *Cragun* does not disclose “constructing a uniform resource locator (URL) from the received bar code information, wherein at least a portion of the URL comprises the UCC company identifier and the UCC item identifier constructed as at least a ‘www’ followed by at least the UCC company identifier and the UCC item identifier.” The rejection is in error for at least the following reasons:

1. The rejection is in error because the Office Action has misconstrued “UPC 310” to be the recited UCC company identifier. The disclosed “UPC 310” is not a UCC company identifier. Furthermore, *Cragun* does not disclose, teach, or suggest that the phrase “UPC 310” is a UCC company identifier.

2. The rejection is in error because the Office Action has misconstrued “yummy.corp.com” to be the recited UCC company identifier. The disclosed “yummy.corp.com” is not a UCC company identifier. Furthermore, *Cragun* does not disclose, teach, or suggest that the phrase “yummy.corp.com” is a UCC company identifier.

3. The Office Action alleges that *Cragun* discloses a “*UCC item identifier* constructed as at least a ‘www’ followed by at least a company identifier (UPC 310 or yummy.corp.com) and an item identifier (CID)” at paragraph 5 (emphasis added). The rejection is in error because *Cragun* does not disclose that the customer identifier (CID) 210 is the recited UCC item identifier. Rather, *Cragun* is limited to disclosing that the customer identifier (CID)

210 is on a customer card 119. Therefore, the *Cragun* customer identifier (CID) 210 is not expressly disclosed as the recited UCC company identifier.

4. The Office Action alleges that *Cragun* discloses a “*UCC item identifier* constructed as at least a ‘www’ followed by ... *an item identifier (CID)*” (emphasis added). However, *Cragun* discloses that the “CID” is a “*customer* identifier (CID) 210.” The rejection is in error because the disclosed “customer identifier (CID) 210” is not “an item identifier (CID)” as alleged by the Office Action. That is, the basis of the rejection is flawed because the rejection relies on the incorrect assertion that the disclosed “CID” is an “item identifier.”

Cragun Figure 3, shown below, only illustrates three exemplary UPC codes (the illustrated column corresponding to reference numeral 310) and related URL Information (the illustrated column corresponding to reference numeral 325).

UPC	Product Name	Unit Price	URL Information
12345-67890	Yummy Chicken Soup	\$0.65	http://yummy.corp.com/??LANGUAGE??
23456-78901	Sweet Powdered Sugar	\$2.09	%h04125D6F/LGQK
34567-89012	Peanut Butter	\$3.79	http://peanut.food.com/??CID??&??SID??&??SIP??
:	:	:	:

The illustrated URL information “http://yummy.corp.com/??LANGUAGE??” does not include the recited UCC company identifier or the UCC item identifier, as alleged by the Office Action. The illustrated URL information “%h04125D6F/LGQK” does not include the recited UCC company identifier or the UCC item identifier. The illustrated URL information “http://peanut.food.com/??CID??&??SID??&??SIP??” does not include the recited UCC company identifier or the UCC item identifier, as alleged by the Office Action. Therefore, the Office Action allegation that *Cragun* Figure 3 discloses the above-recited features of claim 35 is in error.

Dependent Claim 36: *Cragun* does not disclose the feature of “appending the UCC company identifier to ‘www.’ to construct the ‘www.UCC company identifier’ portion of

the URL” and “appending the UCC item identifier to ‘/’ to construct the /‘UCC item identifier’ portion of the URL.”

The Office Action alleges that *Cragun* teaches “constructing the URL from the bar code comprises: appending *the company identifier* to www. [see fig. 2, http:www/language=Spanish&CNAME] to construct the www.company identifier portion” of the URL. The rejection is in error because *Cragun* does not disclose that the phrase “language=Spanish&CNAME” is related to a UCC company identifier.

Additionally, the Office Action alleges *Cragun* teaches that “constructing the URL from the bar code comprises: ... appending *the item identifier* to ‘/’ to construct the /‘item identifier’ portion of the URL [http://peanut.food.com/??CID??&??SID?? &??SIP??, col. 7, lines 27-47]” (emphasis added). The rejection is in error because *Cragun* does not disclose that the phrase “//peanut.food.com/ ??CID??&??SID??&??SIP??” is a UCC item identifier.

Dependent Claim 37: *Cragun* does not disclose “prepending ‘www.’ to the UCC company identifier to construct the www.‘UCC company identifier’ portion of the URL” and by “prepending ‘/’ to the UCC item identifier to construct the /‘UCC item identifier’ portion of the URL.

The Office Action alleges that *Cragun* teaches “prepending ‘www.’ to the *company identifier* to construct the www.‘company identifier’ [see *Cragun* col. 3, lines 58-61, *customer ID*]” (emphasis added). The rejection is in error because the recited UCC company identifier is not the customer ID as alleged by the Office Action.

Furthermore, the rejection is in error because *Cragun* does not disclose any type of “prepending” of “www” or “/”. Rather, *Cragun* discloses that “scanning device 118 is capable of reading code 117 from object 115 and customer identifier (CID) 210 from customer card 119. Object 115 is a tangible object of interest to the customer, about which the customer desires to find out more information” (column 3, lines 58-61). Nowhere is there any disclosure in *Cragun* of any type of “prepending.”

Dependent Claims 33 and 46: The rejection is in error because *Cragun* fails to disclose anything regarding “European Article Numbering (EAN) bar code information”

(emphasis added). *Cragun* does not disclose any information whatsoever regarding any type of European Article Numbering (EAN) as alleged by the Office Action. (With respect to claim 33, *Nerlikar* also does not disclose any type of European Article Numbering (EAN).)

Dependent Claims 34 and 47: The rejection is in error because *Cragun* fails to disclose anything regarding “Japanese Article Numbering (JAN) bar code information” (emphasis added). *Cragun* does not disclose any information whatsoever regarding any type of Japanese Article Numbering (JAN) as alleged by the Office Action. (With respect to claim 34, *Nerlikar* also does not disclose any type of Japanese Article Numbering (JAN).)

Independent claim 48: Claim 48 recites “receiving a uniform resource locator (URL) call to access a manufacturer site that includes information pertaining to an item of interest, wherein the URL of the manufacturer site uses a Uniform Code Council (UCC) company identifier as the domain and uses an item identifier to identify the item of interest” (emphasis added). The Office Action alleges that *Cragun* discloses that “the URL of the manufacturer site uses a Uniform Code Council (UCC) company identifier as the domain ... see *Cragun*, [http://peanut.food.com/??CID?? &??SID??&??SIP??](http://peanut.food.com/??CID??&??SID??&??SIP??), col. 7, lines 27-47].” The rejection is in error because disclosed “peanut.food.com” is not a URL of the manufacturer site that uses a UCC company identifier as the domain.

Independent claim 50: Claim 50 recites “constructing a uniform resource locator (URL) with the *UCC company identifier* therein” (emphasis added). The Office Action alleges that *Cragun* discloses “determining the UCC company identifier from the bar code information (see fig. 3 of *Cragun* UPC convert to <http://peanut.food.com/>).” The rejection is in error because “peanut.food.com” is not a UCC company identifier as alleged.

Independent claim 18: Claim 18 recites “constructing a uniform resource locator (URL) from the data read from the RF tag corresponding to the bar code, wherein a portion of said URL comprises the UCC company identifier ... wherein said ‘company identifier’ *comprises a number assigned by the UCC*” (emphasis added). The rejection is in error because

neither *Cragun* or *Nerlikar* disclose the recited URL wherein the ‘company identifier’ comprises a number assigned by the UCC as alleged.

2. Cragun Database

Cragun discloses “creating a uniform resource locator (URL) from said scanned encoded data” (claim 1), wherein “said creating step further comprises using said scanned encoded data as a key into a database located in said second server, wherein said database contains said URL” (claim 5). More particularly, *Cragun* discloses that “product database 136 ... contains a variety of information including product name 315, unit price 320, and URL information 325” (column 7, lines 34-36), and that “if code 117 is a standard UPC symbol, processing program 110 requests URL information 325 stored in product database 136 from local server computer 122 using UPC as an index into product database 136, as shown in block 610” (column 8, lines 23-27). If *Cragun* must retrieve the URL from a database, it is abundantly clear that *Cragun is not* constructing the URL from either the UCC company identifier or the UCC item identifier. Thus, *Cragun* does not disclose what is alleged by the Office Action.

3. Conclusion

Applicants wish to thank the pre-appeal brief conference panel for their time and for consideration of the issues raised herein. Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that all pending claims are allowable.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Raymond W. Armentrout
Registration No. 45,866

RWA:cl
701 Fifth Avenue, Suite 5400
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031
90050.442 / 9593388